

**MINUTES OF A MEETING OF THE BOARD OF LAMBETH COLLEGE CORPORATION
HELD ON 9 NOVEMBER 2017 AT 17.30**

Present:

Monica Box
Fred Knipe
Mary McCormack (Chair)
Mohammed Seedat
Michael Smith
Teum Teklehaimanot
Guy Ware

In attendance:

Martin Penny	Interim Director of Finance
Mike Burgess	Head of MIS & Exams
Stephen McCormick	Strategic Consultant
Mary Heslop	Interim Clerk
Peter Marsh	Peter Marsh Consultants Ltd.
Stephen Bagley	ESFA (Observer)

Apologies:

Leslie Bortey
Jennifer Bufton
Kirsty Wadsley
Marcus Walsh
Rob Flinter

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. CHAIR'S INTRODUCTION

The Chair informed the Board that Peter Marsh would be attending the meeting for item 6.

3. MINUTES FROM THE PREVIOUS MEETING AND MATTERS ARISING

3.1 The minutes from the meeting on 28 September (Paper A) were agreed as correct.

3.2 A matters arising report (Paper B) updated Governors on the outstanding matters from the previous meeting. A paper on the staff survey update and action plan was attached to the report. All other actions on the matters arising report had been completed, were on the agenda for this meeting or were in progress.

3.3 The Board welcomed the update report on the staff survey and the actions that were being taken.

4. LEARNER VOICE: REPORT FROM STUDENT GOVERNOR

4.1 Due to the absence through illness of the Student Governor, there was no Learner Voice report.

5. UPDATE ON LSBU STRATEGIC ALLIANCE

5.1 The Strategic Consultant presented a report that gave an update on progress to complete the strategic alliance with LSBU. At its meeting on 28th September 2017, the Board had noted the proposed transitional arrangements and delegated any further negotiation to the Chair and Principal, prior to final approval by the Corporation. The Board had also authorised the Interim Principal to examine potential opportunities for partnership with other Colleges for a report back to the November Board meeting.

5.2 **(CONFIDENTIAL)**

5.3 There had been no further discussion on governance arrangements either during the transition period or from when the College becomes a subsidiary of LSBU. These discussions were stalled, awaiting the outcome of the financial support decision.

5.4 **(CONFIDENTIAL)**

5.5 The Interim Principal updated the Board on the expected timeline towards a final decision. The Interim Principal had been informed that the Minister of State for Skills and Apprenticeships was due to meet with the three local MPs on 27 November (post the Budget announcements) and therefore that no decision could be expected before then. The Minister will also meet with leaders and possibly Chief Executives of the relevant Local Authorities. The Interim Principal had spoken to Chuka Umunna, MP for Streatham at the opening of the new Brixton Centre that day and reported that although he is fully supportive, had cautioned that HMT is looking carefully at all public spending and any Government would have some difficulty with a large sum of public money being granted to any organisation.

5.6 In response to a question from the Chair of Finance Committee on how other MPs were being briefed, the Interim Principal reported that she had been in contact with Kate Hoey, MP for Vauxhall and that she would be meeting with both her and Helen Hayes, MP for Dulwich and West Norwood prior to 27 November.

5.7 **(CONFIDENTIAL)**

5.8 **(CONFIDENTIAL)**

5.9 In response to a question from the Chair on whether the options were clear to the Secretary of State, the ESFA Observer advised that the Secretary of State will be sighted on all risks and that the decision will be informed by judgments on these risks.

5.10 The discussion included the following points:

- **(CONFIDENTIAL)**
- The terms of the restructuring facility funding are not known
- Whether the Government is likely to be creative and flexible on the restructuring facility and conditions; this is not likely to be the case and charges will be taken on assets
- Confirmation from the ESFA Observer that the assumption is that the restructuring facility is loan and that this has been clear from the start
- Given that LSBU had wanted the restructuring facility to be in the form of grant, the hope that there are concessions from one side
- **(CONFIDENTIAL)**

5.11 The Chair commented that she and the Interim Principal had taken the decision not to search for an alternative partner at this point as it might be prejudicial to the Board's

desired outcome, and a decision on the restructuring and LSBU's response was likely to be known early in December. The Interim Principal commented that a SPA would follow swiftly if there is a negative response from LSBU, and the ESFA Observer informed the Board that the timelines for such a SPA are being developed.

The Board received the report and NOTED the updates.

6. CAPITAL PROJECTS

6.1 Vauxhall Development and the LEAP bid

6.1.1 The Board received a paper prepared by the Strategic Consultant that set out an update on progress with the full application to the LEAP to secure grant funding for the Nine Elms Skill Centre (NESC). At its meeting on 28th September 2017, the Board had agreed to submit a full LEAP application based on the development of Vauxhall as the main college campus, with the disposal of the Clapham campus to match fund the project and to appoint Peter Marsh Consulting Ltd. (PMc) as the College's lead advisor and project manager for the application.

6.1.2 As requested by the Board, management had approached the LEAP about the possibility of putting back the 15th January submission deadline, to allow more time for the LSBU deal to be concluded by the TU. However, as the LEAP informed the College that an extension would lead to delayed approval and no ability to drawdown funding before April 2018 at the earliest, the request was withdrawn on the basis that this created risks which potentially outweighed the benefits.

6.1.3 The Chair welcomed Peter Marsh to the meeting to provide a further update and present the Project Execution Plan and the November RAG status report. Peter Marsh drew the attention of the Board to the following:

- The key dates for the programme of activities to secure the delivery of the LEAP bid and the tight timescale involved
- The project governance arrangements and the need for a Special Board meeting in early January 2018 to sign off on the application to the LEAP
- The appointments made to date for: Architect, Cost Consultant, M&E Engineers and Structural Engineers
- Fee update – the appointment of the planning advisor had been made that day at a fee that was below budget
- Capital budget – the project needs to be delivered at £42m (total project budget of £45m including match funding, less £2.6m already spent)
- Master planning options and the need to show these for match funding potential
- Progress on curriculum mix, space planning, layouts for learning and floor plans
- Employer engagement – a workshop with key employers has been arranged for early December to share the emerging floor plans and build support for the business case
- Business case – PMc had met with the LEAP to receive feedback on the Expression of Interest, to confirm the scope of the Stage 2 reports and the approach to match funding
- Risks – six key risks are identified, including that the project cannot be achieved within budget, that the brief may take longer to agree resulting in delays to the programme and shortage of senior resource within the College to input into completion of the project.

6.1.4 The Interim Principal reported that modifications to the original plan to move the academy to a less prominent place had been discussed with LSBU and whilst this is not the preferred space, LSBU recognise that this is a Lambeth College proposition and that the Nine Elms Skills Centre (NESC) needs a strong front facing position.

6.1.5 The Strategic Consultant highlighted that the major issue to be resolved is that of match funding and the disposal of land and its timing together with funding options to fill the gaps. There will be nothing available from the restructuring funds to support this. The Chair of Finance Committee asked for clarification on the 42,000m² space requirement and for clarification that realising the match funding is dependent on selling the Clapham site. Peter Marsh responded to confirm that phase 1 and 3 amount to more than 42,000m² and that 90,000m² was the space figure that went into the LSBU estate strategy. There may be a need to generate required match funding from residential development for phase 1 and the sale of the Clapham site would fund phase 2 including the selling of a piece of land for residential. There is a need to look at a mix of options on both sites and it may be that moving all of the College's provision to the NESC is not viable.

6.1.6 In response to a question on the plan that would be submitted to the LEAP, Peter Marsh confirmed that the LEAP application was based on the 42,000m² square requirement and that the LEAP would be looking at whether this stacks up and how the application demonstrates that the match funding can be found. The LEAP will consider funding phase 1 of the project but its position on phase 2 will be that there is no funding available for this.

6.1.7 In discussion, Governors requested clarification on whether there was scope to decide on options for phase 2 and whether the LEAP could look at whether there was a need for a skills centre at Clapham. The Interim Principal and Peter Marsh responded to confirm that the LEAP is not concerned about sites but about outputs; that it is not impossible that a further bid could be submitted to support phase 2 and that the funding awarded last year is secure and that the LEAP is now seeking confirmation that the bid stacks up and meets the required outputs.

6.1.8 Responding to an issue that had been raised at the last Board meeting, Peter Marsh confirmed that the LEAP had confirmed that an application prepared on a RIBA 'light' stage 2 basis was acceptable to the LEAP.

6.1.9 The Interim Director Finance explained that although the tight timescales mean that the College cannot go out to full tender for the bid application work, the appointment of PMc and other consultants had been progressed via pre-tendered government frameworks.

The Board NOTED that it would need to meet on 11 January 2018 for a special Board meeting to approve the application to the LEAP.

The Board APPROVED expenditure of up to £300k on the project bid.

The Board RECEIVED the report.

7. FINANCE

7.1 INTRODUCTION FROM CHAIR OF FINANCE COMMITTEE

7.1.1 The Chair of Finance Committee reported on the meeting of the Finance Committee on 31 October. The Committee had received the Financial Plan and the key headline from this was that the financial position of the College is precarious. The financial health assessment as assessed by both the College and the ESFA remains inadequate during the period and the College is reliant on EFS support. The level of support via EFS will soon crystallise and at that point, the College can no longer continue to trade on deficit. In the meantime, the College is dependent on the good will of the bank. The uncertainty over the timing of a merger makes the position more difficult. Although a revised financial plan had been submitted to the ESFA, the reality is that it is assumed merger will take place. If a merger does not occur, then there is the need to rethink how to make the College sustainable. In the meantime savings are being identified and a revised budget based on enrolments will be brought to the next meeting of the Board.

7.1.2 The Vice Chair asked about the position on the money market loan of £2.1m and the Interim Director of Finance explained that this comes to an end on 31 December. Discussions have taken place with Barclays who are prepared to extend the loan for three months, although this will cost the College.

7.1.3 The Chair asked when the Board would know the impact of enrolments so that it can understand the position on adult income. The Interim Director of Finance reported that there will be a clearer picture when the RO3 return is complete and that there will also be a clearer picture on adult learner loans that impact on income. The Interim Principal commented that there appears to be a dip in adult loan take up across many Colleges.

7.1.4 The Interim Director of Finance also commented on the increase in the number of learners with high levels of need and that the College has asked Lambeth Local Authority to submit a bid for increased numbers. A Governor commented on the increased demand for ALS and the Interim Principal responded to say that management was working on maximising the support.

7.1.5 In response to a question on the level of confidence in the forecasting and whether it was more pessimistic forecasting than previously, the Interim Director of Finance responded to inform the Board that the forecast for this year reflects the amounts being earned and the amounts set aside for clawback. The Interim Principal commented that forecasting had improved towards the end of last year.

7.1.6 The Interim Director Finance commented on subcontractors, explaining that the viability of subcontracting was being examined. The College needs to make a surplus on this and there will be a further report to the Board. A Governor commented on the varying length of subcontracts and the Interim Director Finance explained that the new contracts are for 2017/18 and the others include carry-ins. In response to a question on whether the College made money on subcontracting last year, the Interim Director Finance explained that overall, a surplus was made because of the high levels and the management fee. For this year, it will depend on the level of subcontracting and the outcome of the apprenticeship bid. The costs incurred and the staff required are kept under constant review.

7.2 FINANCIAL PLAN

7.2.1 The Board received a paper on the financial plan. The College had submitted the updated financial plan, based on the revised budget agreed by the Board, to the ESFA on 4 October 2017. The plan included the required commentary and the College had also completed the ESFA checklist for Governors to reflect the aspects

of the operations that had been considered in producing the budget and the plan. The Finance Committee had reviewed the Financial Plan, Commentary and Checklist at its meeting on 31 October 2017. The ESFA had confirmed receipt of the plan and had sent the letter confirming the financial grade and outcome of the assessment. The letter along with the Finance Dashboard that gives an overview of the College's financial performance was provided to the Board.

The Board RECEIVED the ESFA letter and NOTED the financial health grade of the College.

7.3 EXCEPTIONAL FINANCIAL SUPPORT

7.3.1 A paper was provided to the Board on EFS. The College had required EFS throughout the 2016/17 financial year in order to remain solvent and as at 31 July 2017 the total EFS received amounted to £5.441m. The deficit budget set for 2017/18 requires further EFS support in 2017/18 until the restructuring facility is agreed with the TU and the Minister. There is also a requirement for EFS in order to repay the under-performance on the EFSA Adult Education Budget in 2016/17 of circa £1.8m.

7.3.2 On 5 October 2017, the College submitted a detailed EFS request to the ESFA in order to secure support through to January 2018. The details of that request and the detailed cash flow to support it were provided to the Board. The request covered the EFS requirement for the remainder of the 2017/18 financial year. The cash flow and EFS request included the claw back of AEB underperformance, the repayment of the Money Market Loan and the £300k required to develop the new scheme for the Vauxhall site. The total EFS request (including the October request) is £13.217m.

The Board RECEIVED the EFS request and cash flow

The Board AGREED the recommendation of the Finance Committee to confirm that the long-term EFS request being provided is the minimum amount needed by the College throughout the financial year to maintain the College core operations as a "going-concern."

7.4 FINANCIAL REGULATIONS

7.4.1 The College Financial Regulations were last updated in 2013. During their follow-up review in 2015 the Internal Auditors made a recommendation that the Financial Regulations should be updated and that Financial Procedures should be documented that supplemented those regulations. The major changes to the Financial Regulations were set out in a paper. The Finance Committee had considered the Financial Regulations at its meeting on 31 October 2017 and had recommended approval to the Board, subject to the addition of references to the Finance Committee at relevant parts.

The Board RECEIVED the paper and the Financial Regulations.

The Board AGREED the recommendation of the Finance Committee that the capitalisation threshold be amended to £5k from £1k from 01 August 2017.

The Board AGREED the recommendation from the Finance Committee to approve the College's updated Financial Regulations, subject to the addition of references to the Finance Committee at relevant parts.

7.5 APPROVAL OF SUB-CONTRACTORS 2017/18

7.5.1 The Board was provided with a paper on subcontractors. The Corporation had approved a number of sub-contractors at its meeting in September 2017 to operate during the 2017/18 financial year. The College is restricted in its use of sub-contractors as a result of the FNtl currently in place. This means that the College cannot exceed the total level of sub-contracting that took place in 2016/17 and cannot operate with any new sub-contracting partners. The College has introduced new controls over the contracting and payment arrangements with sub-contractors to ensure that the College meets the ESFA funding requirements for sub-contracted provision.

7.5.2 The details of the sub-contractors performance in 2016/17 were provided to the Board together with details of the planned sub-contracting for 2017/18. The 2017/18 sub-contractors were all organisations who contracted with the College in 2016/17. The College had agreed initial levels of delivery with each contractor as shown on the spreadsheet. There was also the possibility for further sub-contracting within the total envelope available if the Corporation makes the strategic decision to sub-contract any under-delivery in 2017/18 once the financial impact of enrolment is quantified following the submission of R03 (2017/18).

The Board AGREED the sub-contracting arrangements for 2017/18

The Board APPROVED the list of sub-contractors as at 31 October 2017.

8. INTERIM PRINCIPAL'S REPORT

8.1. The Interim Principal presented her report together with the KPIs. In presenting the report, the Interim Principal commented on: the achievement rates for 2016/17, the Ofsted support and challenge visit, learner numbers, staff costs as a percentage of income, strategic college improvement fund, Christmas leave proposal, the Brixton official opening, external publicity and marketing 2017/18.

Achievement rates 2016/17 and Ofsted support and challenge visit

8.2 The achievement rates for 2016/17 are depressed and significantly lower than the year before. There were two factors that had an impact on achievement. The first was the carry-in from 2015/16 of 774 learners who did not achieve and whose lack of achievement was recorded in 2016/17. The second key factor was the decision to change the syllabi for a number of programmes, to ones that included examined units; this increased the risk of low achievement rates, particularly at level 3.

8.3 The HMI who had undertaken the Ofsted support and challenge visit on 7 November fully understood the achievement position and that the reasons need to be reflected in a narrative in the SAR. The HMI was reported to have been very satisfied with what he saw and wished to commend staff for what they are doing during a difficult time and in the absence of a decision on a partner. The HMI endorsed the actions on the College's curriculum. The Interim Principal requested the Board to recognise the position and to feed back to staff the Board's appreciation of what staff have been achieving in teaching and learning.

8.4 The Chair commented that it had been decisions made by management in 2015/16 that had impacted on the outcomes, both in relation to the carry in of students who it was thought would return and enrolling all adults on English and maths qualifications when this was not needed. The Chair recommended that the Interim Principal report back to staff that the poor outcomes were a result of management decisions.

Learner numbers

8.5 The Interim Principal reported on the data on learner numbers to date and as a comparison with both target numbers for 2017/18 and actual learner numbers in 2016/17. There are currently almost 3,000 fewer learners than in 2016/17, although at this point last year, there were 1,000 Skills Network enrolments on the system. There were also 1,000 adult English and maths learner who should not have been enrolled for qualifications in English and maths and the Interim Principal referred to the Board's action in-year to change the leadership. The current projection is that learner numbers will be down on target for this year by 4,500. The bulk of subcontracted learners do not yet appear in the data and there will be two further tranches of ESOL learners to enrol.

8.6 In response to a question on whether ESOL numbers were decreasing, the Interim Principal reported that it was possible that Brexit could have an impact. ESOL numbers are down, but there has been an upturn at the Brixton centre. Only a third of projected ESOL learners are on programme currently and there will be a clearer picture of the funding once the RO3 has been examined.

8.7 The Vice Chair asked whether any difficulties with English and maths were envisaged. The Interim Principal responded to say that all adult learners have been tested and that those who were on English and maths programmes had agreed to this; there is better scrutiny so that learners are enrolled on the right level. Attendance, which is a difficulty, is being chased and this will be continued throughout the year in addition to measures being taken to encourage English and maths learners. In response to a further question on whether 16-18 and adult learners were taught together for English and Maths, it was reported that the age groups are not normally mixed and this only occurs where there are timetabling issues. A Governor commented that the process has changed drastically this year with proper assessment and rigorous selection, resulting in committed learners. The Interim Principal also reported that management was working hard to address the issues of learners with the right vocational competence but not the level of English to ensure they succeed. The Chair commented that a further issue is the new specification for GCSE and the new points system which results in challenges with regard to maths learners who come to College from school with a grade 3. Finally, the Interim Principal reported that the HMI had said that he had seen better attention to Teaching and Learning in the College than on his last monitoring visit.

Staff costs

8.8 The Interim Principal reported that staff costs, at 74% of adjusted income (which is 10% above the advised benchmark) were too high and action will need to be taken in-year. If the projected income doesn't materialise, then staff costs will reduce correspondingly. It is even more pressing to address this as the College's EFS payments come to an end and the position on College expenditure becomes stark. In response to a question, the Interim Principal explained staff costs are currently at £17m and to stay at the 74% figure, which is the percentage in the plan submitted to the TU, implies a staffing cost cut of about £1m to bring it into line with

the estimated income, although the detailed work on this has not yet been done. The Interim Principal confirmed in response to another question that the use of temporary and agency staff would be looked at first.

8.9 The Vice Chair commented that it appeared that the response was one of reaction rather than attack and asked whether the reduction of contracts by a percentage that reflects the reduction in student number could be considered. The Interim Director Finance responded to say that: staff utilisation is currently being examined, there are high maternity costs, the College has vacancies, the use of agency staff has dropped dramatically this year and registers are being scrutinised to see that hours are being taught. When the base data on utilisation is available, then the staffing mix can be examined and savings identified.

Strategic College Improvement Fund

8.10 The Interim Principal drew the Board's attention to the new Strategic College Improvement Fund that is focussed on supporting colleges who are grade 3 or 4 for overall effectiveness to engage in an improvement programme with a college currently rated good or outstanding. The College's improvement strategies would benefit from the support of a well-regarded partner and serious consideration will be given to submitting a bid to the fund.

Additional leave proposal

8.11 The Interim Principal proposed that the Board considers providing three additional days leave to staff on a one-off basis to acknowledge that in 2017/18 the College has been unable to include a pay award within the annual budget. In December 2017, Friday 15 December is the final teaching day of term. There are nine days between the end of the autumn teaching term and the beginning of the spring term excluding bank holidays. Three of these days - 27, 28 and 29 December fall between Christmas and New Year and contractually are days that the College deducts from the staff annual leave allowance for efficiency closure. The provision of an additional three days leave on a one off basis would enable the Board to convey its appreciation of staff commitment at a time of organisational uncertainty.

The Board AGREED to the provision of three days additional annual leave to staff on a one-off basis.

Brixton site opening

8.12 The Interim Principal reported that the Brixton official opening event had been a success. Chuka Ummuna MP had been engaged and supportive and said how important the centre was to Brixton. He had commended the former Principal for initiating the project. The Vice Chair reported that the MP had also emphasised the importance of the Brixton centre to the community and its importance to those for whom English is not their first language. A Governor added that the MP had spoken of the importance of the centre to immigrants.

External publicity and marketing

8.13 The Interim Principal commented on recent national publicity on the traveller trespass at the Vauxhall site. The clear up of the site had been dealt with quickly but at a cost to the College.

8.14 It was reported that the College will be spending £22k on a prospectus on 10 November but will not be able to include the planned key marketing feature that the College is partnering with LSBU. It is not an option to delay publication of the prospectus as it will not reach the schools audience in time if there is a delay.

Proposal to extend contract of Interim Finance Director

8.15 The Interim Principal proposed that the Board support the consolidation of the position of the Interim Finance Director beyond the end of his current contract which runs to the end of December 2017. The proposal was that the contract is extended to the end of July 2018, and that there is a two month notice period on either side. The post is currently being funded via EFS and beyond that, by the restructuring facility.

The Board AGREED to extend the contract of the Interim Finance Director to 31 July 2018.

The Board NOTED the information within the Interim Principal's report.

9. QUALITY AND IMPROVEMENT

9.1. The Chair presented a report from the Quality and Improvement Committee that provided an overview of discussions from the Quality and Improvement Committee meeting on 3 October 2017. At this meeting, the Committee's focus had been on:

- Vocational achievement 2016/17
- Exams 2016/17 and strategy for 2017/18
- GCSE English and maths
- Up skilling of teaching staff
- Improving enrolment, initial assessment and timetabling

9.2 The Chair drew the attention of the Board to level 3 performance in 2016/17 and the issue of entry requirements. The Committee had also noted the new challenge of compulsory examination which students had to pass to gain the qualification. The Chair referred to the College SAR and that Governors were encouraged to join the validation meetings for which there was a timetable. The Chair had recently participated in learning walks and another Governor was also due to participate in learning walks.

It was agreed that the Interim Clerk will send the validation timetable to Governors.

The Board RECEIVED the report from the Quality and Improvement Committee.

10. DATA PROTECTION AND INFORMATION SECURITY

10.1. The Head of MIS presented a report gave an overview of the plan for implementation of the General Data Protection Regulations (GDPR) at the College; this comes into force on 25th May 2018. The current Data Protection Policy is currently up for renewal. The report outlined the changes to the current legislation including:

- Implied consent is no longer a valid reason to collect data
- Strengthening of the rights of the individual
- A new right to be forgotten

- Data protection impact assessments needed for higher impact processing
- Data processors as well as data controllers have obligations
- Fines increase to a maximum of 4% of global turnover.

10.2 College management will establish a GDPR working group with representation from HR, Quality, Curriculum, IT, MIS, Exams, Marketing and learner support. The Group will meet bi-weekly to drive the implementation of the GDPR regulations. There will need to be a decision on who assumes the Data Protection Officer post due to issues of conflict of interests. Staff training for GDPR would be put in place.

10.3 The Head of MIS informed the Board that GDPR replaces current data protection regulations in May 2018 and therefore, it would be of little value to update the College's Data Protection policy at this stage. Once the implementation work for GDPR has been completed, a new GDPR compliant policy will come to the Board for approval in March 2018.

10.4 The Head of MIS explained that progress reports from the working group that was being set up for implementation of GDPR would go to Governors and that paragraphs 18 and 19 of the AoC paper attached to the report relate to the role of Governors in GDPR. There will be a full audit of all data and systems, covering electronic and paper, in use by the College and this would include a security review of systems.

10.5 In discussion, Governors raised questions on whether GDPR covers historic data as well as current and whether any data is contentious. The Head of MIS explained that GDPR covers all data held by the College and that the College keeps data that it doesn't need under the previous implied rather than specific consent. The College cannot simply delete data and some data such as the ILR data needs to be kept for a minimum of seven years, although it can be anonymised by removing personal information. There is a balance to be struck and although there is a new legal right to be forgotten, it is not always possible to implement this.

10.6 In response to a question on whether copies of passports are kept, the Head of MIS informed Governors that copies of EU passports are not retained, although copies of the visa element of passports that are outside the EU need to be kept. This is covered in staff training and there is compliance with the rules on this. A Governor also asked whether the driving licence was treated in the same way as a passport; the answer to this is not known currently but will emerge during the course of GDPR implementation.

10.7 A Governor asked who would be identified at the Data Protection Officer and the Head of MIS responded to say that advice on this is needed from the Information Commissioner's Office (ICO) but that his understanding is that it would have to be a post holder other than the Head of MIS because of the conflict of interest issue.

10.8 In response to a question on whether there had been a Data Protection breach within the last 12 months, the Head of MIS confirmed that there had been a breach in August 2016 as a result of an error. There had been an investigation, the breach was reported and the College liaised with the ICO. No fine was imposed.

10.9 In response to a question on whether the collection of information for Disclosure and Barring Service (DBS) checks are collected in the same way, the Interim Director Finance reported that there are now two options for staff: to register

and pay an annual subscription or the old system whereby the organisation applies for but the DBS certificate belongs to the individual,

10.10 The Chair of Finance Committee asked about the data processing obligations referred to in the RSM document attached to the paper and whether there is a need for data processing agreements with other organisations. The Head of MIS informed the Board that there are agreements to share data with statutory organisations and that for example, there are agreements to share ILR data.

The Board RECEIVED the report and AGREED that the Data Protection policy be replaced with a relevant GDPR compliant Policy in March 2018.

The Board AGREED that it would receive a follow up report on progress towards the implementation of GDPR at its meeting on 8 February 2018 including a recommendation to the Board on the Data Protection Officer.

11. ANY OTHER BUSINESS

Review of Contracts

11.1 The Chair reported to the Board that she had asked management to undertake a review of College contracts. The issue of historic ESF contracting had been raised in a paper that went to the Finance Committee and the letting of the FMBS contract in 2014 had been of concern to the Board. In the first instance, the review would be internal and the Interim Director of Finance would undertake the review by widening the remit of the work that the Finance Committee had asked him to undertake on the Newham ESF project contract.

12. REVIEW OF CONFIDENTIAL ITEMS

13. DATES OF NEXT MEETINGS

13.1 The next Board meeting is on Thursday 14 December 2017. There will be a Special Board meeting on 11 January 2018 to approve the Vauxhall bid to the LEAP.

13.2 The Interim Clerk will contact Governors to canvass for a date for a Board away day in January or February 2018.

The meeting ended at 19.55

Signature of Chair.....

Date